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4 JAMES D. LEWIS,

5 Plaintiff,

6 v.

7 MARK ZUCKERBERG, et al.,

8 Defendants.

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10 Case No. 23-cv-04143-JSC

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12 **ORDER OF DISMISSAL**

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15 **INTRODUCTION**

16 Plaintiff, a federal prisoner who is proceeding without representation by an attorney, filed  
17 this civil complaint against Mark Zuckerberg, the corporations Facebook and Meta, the Internal  
18 Revenue Service, the Federal Communications Commission, and other unidentified defendants.  
19 (ECF No. 1.) He is granted leave to proceed in forma pauperis in a separate order. For the  
20 reasons explained below, the complaint is dismissed as frivolous.

21  
22 **BACKGROUND**

23 Plaintiff alleges in April or May 2023 he “put” 200 billion dollars in each of eight different  
24 technology companies (Meta, Facebook, Space X, Google, Instagram, Byte Dance,  
25 Intercontinental Exchange, and What’s App) and 486 billion dollars in each of four different credit  
26 card companies. (ECF No. 1 at 1, 3.) He alleges in July 2023, “Mark Zuckerberg, Elon Musk,  
27 Media, News, etc. had a contest, bet, challenge, etc. worldwide Musk v. Zuckerberg” and “Musk  
28 made it public or private that Mark Zuckerberg, etc, was cheating with the new app called  
‘Threads.’” (*Id.* at 1.) He claims Defendants violated the “Blue Sky Law, the Investment  
Advising Act of 1940, Investment Company Act of 1940, Mark to Market Accountings, One Price  
Law, . . . Telecommunications Act of 1996, Americans with Disabilities Act of 1990, Uniform  
Partnership Act, Community Reinvestment Act, Revenue Act of 1913, . . . Second Chance Act of

1 2007,” the Second, Seventh, Eighth, and Sixteenth Amendments of the United States Constitution,  
2 the Uniform Commercial Code, “Universal Laws,” “Blanket Bonds,” “Common Carriers,”  
3 “Universal Declaration of Human Rights,” and approximately a dozen federal statutes. (*Id.* at 1-  
4 2.) Plaintiff seeks to have these allegations “addressed,” and alleges he “can apply” over 21  
5 trillion dollars “as leverage, etc., under my tax form(s), etc.” (*Id.* at 2.)

#### 6 STANDARD OF REVIEW

7 Federal courts must engage in a preliminary screening of cases in which prisoners seek  
8 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. §  
9 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or any portion of  
10 the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief  
11 may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.*  
12 § 1915A(b). Pleadings filed by unrepresented parties must be liberally construed. *Balistreri v.*  
13 *Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

14 Section 1915(e)(2) provides that the court “shall” dismiss any case brought in forma  
15 pauperis “if the court determines” the action is frivolous, malicious, fails to state a claim upon  
16 which relief may be granted, or seeks monetary relief from a defendant who is immune from such  
17 relief. Section 1915(e)(2) is not limited to prisoners or to suits against governmental defendants.  
18 *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001).

#### 19 LEGAL CLAIMS

20 Plaintiff’s complaint must be dismissed as frivolous. A claim is frivolous if it is premised  
21 on an indisputably meritless legal theory or is clearly lacking any factual basis. *Neitzke v.*  
22 *Williams*, 490 U.S. 319, 327 (1989). Examples are claims describing fantastic or delusional  
23 scenarios “with which federal district judges are all too familiar.” *Id.* at 328.

24 Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of the  
25 complaint’s factual allegations and dismiss as frivolous those claims whose factual contentions are  
26 clearly baseless. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). To pierce the veil of the  
27 complaint’s factual allegations means that a court is not bound, as it usually is when making a  
28 determination based solely on the pleadings, to accept without question the truth of the plaintiff’s

1 allegations. *Id.* But, this initial assessment of the plaintiff's factual allegations must be weighted  
2 in favor of the plaintiff. *Id.* A frivolousness determination cannot serve as a factfinding process  
3 for the resolution of disputed facts. *Id.* A finding of factual frivolousness is appropriate when the  
4 facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are  
5 judicially noticeable facts available to contradict them. *Id.* at 32-33. The complaint may not be  
6 dismissed simply because the court finds the plaintiff's allegations unlikely or improbable. *Id.* at  
7 33.

8 Plaintiff's allegation that he invested 200 billion dollars in each of eight different  
9 companies and over 400 billion dollars in each of four credit card companies are wholly incredible  
10 and delusional. Furthermore, it is difficult to understand what he means when he says he "can  
11 apply" money "as leverage" on his tax forms, but whether he is alleging he has or is entitled to  
12 over 21 trillion dollars is also delusional and wholly incredible. Consequently, under Sections  
13 1915A and 1915(e)(2) the Court pierces the veil of Plaintiff's factual allegations and finds  
14 Plaintiff's claims frivolous.

15 **CONCLUSION**

16 For the foregoing reasons, the case is DISMISSED without leave to amend as frivolous.

17 The clerk shall enter judgment and close the file.

18 **IT IS SO ORDERED.**

19 Dated: September 15, 2023

  
20 JACQUELINE SCOTT CORLEY  
21 United States District Judge

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